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Testimony in opposition to SB 100 before Senate Fish and Game Committee Feb.1, 2007

Chairman Tropila and committee members:

I oppose this bad bill for a number of reasons. I am a 5th generation Montana native, have been a rancher, wildlife research and management biologist, a general outfitter for 19 years and am a wildlife consultant.

1. Notice came out Jan. 31 on this felony hearing. This bill is not clearly worded. It is impossible to tell whether it refers to just unlicensed outfitting and guiding or if licensed outfitters and guides are affected

2. It violates the Montana Constitution, Article II. Section 3 Inalienable rights, Section 4 Individual Dignity and equal protection of laws and Section 22 Excessive Sanctions.

3. There are 123 professions licensed by the Dept. of Labor and Industry. I have the list here. All currently get misdemeanors for unlicensed practice or Dept. rule violations. Outfitters are singled out by the bill for felonies. Unlicensed lawyers practicing law get a misdemeanor from the Montana Supreme Court.

4. The fiscal note by FWP has some interesting info. It says they have cited 147 people for outfitting violations since 2000 and only 62 were for unlicensed outfitting. How many were convicted and how many got felonies? They also say all fines will go to the general fund. FWP does not even mention the 5 years prison time in the bill. Who pays for that at the going rate? It was about \$22,000. yearly per prisoner in 2001. SB 100 says 50 per cent of the fines go to the Board of Outfitters and 50 per cent to the county where the person is convicted. For a \$50,000 fine, this effectively sets up, two \$25,000. bounty systems to catch the next poor felon. We currently have the very tough Lacey Act passed by Congress in 1900 for major violators of fish, wildlife and plant laws.

5. It appears three misdemeanor violations of Board or FWP laws in one year add up to a felony for an unlicensed outfitter and perhaps a licensed outfitter if they have \$1,000. income.

This poor bill is about protection of turf, creating blue sky value for established businesses and funding government employees addicted to money. Thank you for the opportunity to testify.